



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

NOV - 5 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Climax Manufacturing Company
7840 State Route 26
Lowville, NY 13367
Attn: Patrick Purdy, CEO

Re: Request for Information Pursuant to the Comprehensive Environmental Response,
Compensation, and Liability Act, regarding the Black River PCBs Superfund Site

Dear Mr. Purdy:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the federal "Superfund" law, formally known as the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675. EPA has documented the release and threat of release of hazardous substances into the environment at the Black River PCBs Superfund Site (the "Site") located in the Village of West Carthage, Town of Champion, New York. The Site is on the "National Priorities List" of hazardous substance releases that has been established pursuant to CERCLA. In response to the release and threat of release of hazardous substances at the Site, EPA has taken certain actions and spent public funds and anticipates taking additional actions and spending additional public funds pursuant to CERCLA.

Under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), EPA has broad information gathering authority which allows EPA to require persons to provide information or documents relating to the materials generated, treated, stored, or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and disposal of hazardous substances, pollutants, or contaminants at the Site.

This letter seeks your cooperation in providing information and documents relating to the Site. We encourage you to give this letter your immediate attention. A complete and truthful response to the attached Request for Information should be submitted to EPA **within 30 days of your receipt of this letter.**

While EPA seeks your cooperation in this investigation, your compliance with the enclosed Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed Certification of Answers to Request for Information, and return that Certification to EPA along with your response. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

Some of the information EPA is requesting may be considered by you to be confidential business information. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included in the enclosed Request for Information, including the requirement of supporting your claim of confidentiality.

If you have information about other parties who may have information which may assist EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information must be submitted to EPA within the time frame noted above.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by the Request for Information, it is necessary that you promptly notify EPA.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520.

Your response to this Request for Information should be mailed to:

Mark Dannenberg
Remedial Project Manager
New York Remediation Branch
U.S. Environmental Protection Agency, Region 2
290 Broadway, 20th Floor
New York, NY 10007-1866
(212) 637-4251
email: dannenberg.mark@epa.gov

with an electronic copy to:

Jean H. Regna, Esq.
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, NY 10007-1866
(212) 637-3164
email: regna.jean@epa.gov

If you have any questions regarding the Request for Information, or would like to discuss this matter with EPA, you may call Mr. Dannenberg at (212) 637-4251. Questions from attorneys should be directed to Ms. Regna at (212) 637-3164.

We appreciate and look forward to your prompt response to this information request.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Nicoletta DiForte". The signature is fluid and cursive, with the first name "Nicoletta" written in a larger, more prominent script than the last name "DiForte".

Nicoletta DiForte
Deputy Director for Enforcement
Emergency and Remedial Response Division

Enclosure

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Directions

1. A complete and separate response should be given for each question.
2. Identify each answer with the number of the question to which it is addressed.
3. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
4. In preparing your response to each question, consult with all present and former employees and agents of your company (as that term is defined below) whom you have reason to believe may be familiar with the matter to which the question pertains.
5. In answering each question, identify each individual and any other source of information (including documents) that were consulted in the preparation of the response to the question.
6. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.
7. If you have reason to believe that an individual other than one employed by your company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, telephone number, and the reasons for your belief.
8. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
9. If anything is omitted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the omission.
10. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be more specific.
11. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential business information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim to be confidential, you must separately address the following points:

- a. the portions of the information which are alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by you to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e) and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

B. Definitions

1. As used herein, the term "your Company" refers not only to your company (or entity, whether it be a government or quasi-government agency) as it is currently named and constituted, but also to all its predecessors and successors in interest.
2. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).
3. As used herein, the terms "hazardous waste," "disposal," and "storage" shall have the meanings set forth in Sections 1004(3), (5), and (33) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6903(3), (5), and (33), respectively.

4. The term "identify" means:
 - a. with respect to a natural person, to set forth the person's name, present, or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position, or business;
 - b. with respect to a corporation, partnership, business trust, or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business; and
 - c. with respect to a government agency, quasi-government agency, association, or government entity to set forth its full name, address, legal form, organization, if any, and a brief description of its business and obligations.
5. As used herein, the term "industrial waste" shall mean any solid, liquid, or sludge, or any mixture thereof which possesses any of the following characteristics:
 - a. it contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. § 9601(14);
 - b. it is a "hazardous waste" as defined in 42 U.S.C. § 6903(5);
 - c. it has a pH less than 2.0 or greater than 12.5;
 - d. it reacts violently when mixed with water;
 - e. it generates toxic gases when mixed with water;
 - f. it easily ignites or explodes;
 - g. it is an industrial waste product;
 - h. it is an industrial treatment plant sludge or supernatant;
 - i. it is an industrial byproduct having some market value;
 - j. it is coolant water or blowdown waste from a coolant system;
 - k. it is a spent product which could be reused after rehabilitation; or
 - l. it is any material which you have reason to believe would be toxic if either ingested, inhaled, or placed in contact with your skin.
6. The term "PCBs" shall mean polychlorinated biphenyls.
7. As used herein, the term "release" shall have the meaning set forth in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).
8. As used herein, the term "Site" shall refer to those portions of the Black River in and downstream of the Villages of Carthage and West Carthage that are contaminated by PCBs.
9. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions apply.

REQUEST FOR INFORMATION

1. Please answer the following questions regarding your Company.
 - a. State the legal name of your Company.
 - b. State the name and address of the president or the chairman of the board, and/or other presiding officers of your Company.
 - c. Identify the state of incorporation of your Company and your Company's agent for service of process in the state of incorporation and in New York.
 - d. Provide a copy of your Company's "Certificate of Incorporation" and any amendments thereto.
 - e. If your Company is a subsidiary or affiliate of another company, or has subsidiaries, or is a successor to another company, identify these related companies. For each related company, describe the relationship to your Company and indicate the date and manner in which each relationship was established.
2. Identify all locations within 5 miles of the Site where your Company has operated a facility during the years from 1940 to the present. For each such facility, provide the following information:
 - a. the official name and address of the facility.
 - b. the owner of the facility. If your Company owns or owned this facility, state from whom your Company purchased the facility and provide the dates of ownership of the facility by your Company. If your Company sold this facility, state to whom your company sold it to and provide the date of sale.
 - c. when the facility was constructed.
 - d. the date your Company commenced operations at the facility, and if your Company's operations at the facility have ceased, the date that operations ceased.
 - e. a description of the nature of the operations at the facility, including but not limited to the types of work performed there and the industrial, chemical, or institutional processes undertaken at the facility. If the nature or size of your Company's operations at the facility changed over time, describe those changes and the dates they occurred.
 - f. the number of employees who work or worked at the facility.
 - g. a list of all federal, state and local permits and/or registrations issued for the facility, and their respective permit numbers, for the transport, discharge, and disposal of materials, from 1940 to the present.

- h. a schematic diagram or flow chart that fully describes and/or illustrates the facility's operations and that indicates which part of the facility's operations generated each type of waste. Include in your response points of discharge or disposal of wastewater and other wastes.
3. Describe in detail any knowledge you have concerning the intentional or unintentional disposal of hazardous substances, hazardous wastes and/or industrial wastes at or from each facility identified in response to Question 2, including, but not limited to, wastewater containing polychlorinated biphenyls (PCBs), or other wastes containing PCBs, since 1940. Your response should include any instances in which hazardous substances, hazardous wastes and/or industrial wastes were spilled or otherwise disposed onto or into the ground or into waterways, including any rivers, from septic systems, pipes, drains, drums, tanks, or by any other means.
4. Describe in detail any knowledge you have concerning the storage, generation, or disposal of hazardous substances, hazardous wastes, and/or industrial wastes at or from each facility identified in response to Question 2 (including, but not limited to, wastewater containing PCBs, or other wastes containing PCBs), from 1940 through the present. For each type of waste, describe your Company's contracts, agreements, or other arrangements for discharge, disposal, treatment, or recycling. Your response should identify any sewage authority or treatment works to which the facility's waste was, or is, sent, and the time period during which the facility's waste was sent to such sewage authority or treatment works. Include a description of the nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous substances, hazardous wastes, and/or industrial wastes stored, generated, or disposed of at or from the Site.
5. Please provide details pertaining to how and where wastewater is (and/or was) discharged from each facility identified in response to Question 2. Also provide a diagram depicting how the wastewater is (and was) conveyed to the Black River and/or a sewage treatment plant and location of the discharge pipe(s) and point(s) of discharge into the Black River. Include in your details the dates (or time period) when your wastewater was discharged directly into the Black River and when it was discharged to the sewage treatment plant.
6. Have any of the facilities identified in response to Question 2 created sludge from the processing of wastewater? If so, describe in detail how the sludge is (and was) managed and where it is (and was) sent or used. Also specify what analyses are performed on the sludge, including what parameters it is (and was) tested for, including whether it was tested for PCBs, and whether the sludge waste is (and was) always compliant with federal, New York State, and local laws.
7. Describe in general terms, the nature and quantity of the non-hazardous substances (including wastewater and sludge) that is or was generated or disposed of at or from any of the facilities identified in response to Question 2. Include a description of the nature, including the chemical content, characteristics, physical state (e.g., solid, liquid), and quantity (volume and weight) of these non-hazardous substances.

8. Provide the following information regarding environmental reporting for each of the facilities identified in response to Question 2:
 - a. all Resource Conservation and Recovery Act Identification Numbers issued for the facility by EPA or a state for the facility's operations.
 - b. identify all federal offices to which your Company has sent or filed hazardous substance or hazardous waste information, and state the years during which such information was sent/filed.
 - c. identify all state offices to which your Company has sent or filed hazardous substance or hazardous waste information, and state the years during which such information was sent/filed.
 - d. list all federal and state environmental laws and regulations under which your Company has reported to federal or state governments, including but not limited to: the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.; the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. §§ 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. §§ 1251 et seq., and for each, identify the federal and state offices to which such information was sent.
 - e. Provide any release reports that were taken pursuant to Section 103(a) of CERCLA and Section 304 of EPCRA.
9. Please provide copies of all analyses, characterizations, environmental assessments or studies, or any report or other description of any investigations conducted by you or by any other party on your behalf relating to hazardous substances, hazardous wastes, and/or industrial wastes released at or from each of the facilities identified in response to Question 2, or regarding the Site, or sent for disposal or treatment.
10. For each of the facilities identified in response to Question 2, for each type of waste (including by-products) from your Company's operations, including but not limited to all liquids, sludges, and solids, provide the following information:
 - a. its physical state;
 - b. its nature and chemical composition;
 - c. its color;
 - d. its odor;
 - e. the approximate monthly and annual volumes of each type of waste (using such measurements as gallons, cubic yards, pounds, etc.). If the volumes changed at some point(s) of time, provide that information as well;
 - f. the dates (beginning and ending) during which each type of waste was produced by your Company's operations; and
 - g. information pertaining to monitoring of wastes, including but not limited to all liquids, sludges, and solids.

11. For each of the facilities identified in response to Question 2, if the nature or means of disposal (including the discharge of wastewater) of wastes from the facility changed over time, describe those changes and the dates they occurred.
12. For each of the facilities identified in response to Question 2, provide a copy of all insurance policies and indemnification agreements your Company holds or that has entered into which arguably could indemnify your Company against any liability which your Company may be found to have under CERCLA for releases of hazardous substances at and from the Site. In response to this request, please provide not only those insurance policies and agreements which currently are in effect, but also those which were in effect during the period(s) when any hazardous substances, hazardous wastes, and/or industrial wastes may have been released or threatened to be released into the environment at or from the Site. Your response should identify which property each policy and/or agreement is related to and state the coverage amounts of each policy.
13. For each of the facilities identified in response to Question 2, identify all individuals who have had responsibility for the facility's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of the facility's wastes) during the years 1940 to the present. Also provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning the facility's waste management.
14. State the names, telephone numbers, and present or last known addresses of all individuals whom you have reason to believe may have knowledge, information or documents regarding the use, storage, generation, disposal of or handling of hazardous substances, hazardous wastes, and industrial wastes at or near the Site, the transportation of such materials to the Site, or the identity of any companies whose material was treated or disposed of at the Site. Identify all individuals who currently have and those who have had responsibility for your Company's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of your Company's wastes). Also provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning your Company's waste management.
15. State whether you have information or documents which may help EPA identify other companies which may have been responsible for any contamination at the Site. If so, please provide that information and those documents, and identify the source(s) of your information.
16. State whether any part of your response to this Request for Information is being claimed "Confidential", including any of your answers to any of the questions or any attachments or enclosures included with your response. If so, in response to this question, clearly identify all such answers and attachments, and the basis for your belief that the information is confidential.

17. Please state the name, title and address of each individual who assisted or was consulted in the preparation of your response to this Request for Information. In addition, state whether each such person has personal knowledge of the answers provided.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____

County of _____:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement this response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the response thereto should become known or available to me.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this

___ day of _____, 20___

Notary Public

